

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

ContentGuard Holdings, Inc.,

Plaintiff,

v.

Amazon.com, Inc., et al.

Defendants.

Civil Action No. 2:13-cv-01112-JRG

JURY TRIAL DEMANDED

**PLAINTIFF CONTENTGUARD HOLDINGS, INC.'S RESPONSE TO APPLE'S
RENEWED MOTION TO DISMISS AS TO SECOND AMENDED COMPLAINT
PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 12(b)(6) (DKT. 254)**

Apple raises no new arguments in its Renewed Motion to Dismiss as to Second Amended Complaint Pursuant to Federal Rule of Civil Procedure 12(b)(6) and simply adopts and renews its statements from its previously filed motion to dismiss and reply (Dkt. Nos. 95, 127). As such, ContentGuard adopts its response and sur-reply (Dkt. Nos. 122, 143) and considers this motion fully briefed.

Dated: November 17, 2014

Respectfully submitted,

/s/ Sam Baxter

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**ATTORNEYS FOR CONTENTGUARD
HOLDINGS, INC.**

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this document was served on all counsel who have consented to electronic services on this the 17th Day of November 2014. Local Rule CV-5(a)(3)(A).

/s/ Holly E. Engelmann